

Notice of Allowability

Application No.

10/090,406

Examiner

Stephen J Stein

Applicant(s)

NAJL ET AL.

Art Unit

1775

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment March 29, 2004.
2. ☒ The allowed claim(s) is/are 9-20, 22-25 and 28-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Stephen J Stein
Stephen J Stein
Primary Examiner
Art Unit: 1775

DETAILED ACTION

Allowable Subject Matter

1. Claims 9-20, 22-25 and 28-38 and allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, US Patent 4,818,595 (Ellis) discloses a fire barrier laminate comprising a plywood substrate, a coating comprising calcium aluminate cement (hydraulic binder) and a filler of alumina tri-hydrate or silica flour (dewatering agents). Ellis further teaches that that the coating is applied to an asbestos white cement board (reinforced cementitious product) or gypsum wall board (gypsum building board). Ellis still further teaches that the coating composition includes a gauging component of $MgCl_2$ or $MgSO_4$ (functional additive). The reference further discloses in examples that the coating may applied to either one side of the substrate, both sides of the substrate, or between two pieces of laminated plywood and that the thickness of the coating can be varied from a few mils (-0.1 mm) to $1/16$ inches (15mm) thick (col. 61, lines 13-15). Ellis finally teaches that the coating may used in conjunction with reinforcing geo-textiles (reinforcing layers) such as woven or non-woven fiberglass of other natural or synthetic fabrics.

Other prior art, such as US Patent 4,981,740 (Larsen), teaches a method of making concrete articles using a hydraulic cement and further teaches that fly ash with a particle size of 0.25mm (160μ) is a suitable substitute filler for silica flour.

The prior art taken as whole, fails to teach or suggest a reinforcing layer of fiber reinforced cement on the disclosed functional layer. Further, the prior art fails to teach or suggest the claimed breakdown of particle size of the fly ash component recited in claims.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 572-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 6, 2004


Stephen J. Stein
Primary Examiner
Art Unit 1775